

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

April 27, 2007

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.: 04HD-297
HAWAII

Amend Prior Board Action of January 25, 2002 (D-18), Approval of a Set Aside to the Division of Forestry and Wildlife; Approval of Set Aside to the Division of State Parks; Approval of natural Resource management Guidelines and priorities for State Lands at Pu'u Wa'awa'a and Pu'u Anahulu, North Kona, Hawaii, Tax Map Keys: (3) 7-1-1:1, 6, 4; 7-1-2:1, 8, 13; 7-1-3:1, 2, 16; 7-1-4:1, 18

BACKGROUND:

The Land Board at its January 25, 2002 meeting, under agenda item D-18, approved staff's recommendation to:

1. Recommend to the Governor the issuance of a set aside to the Division of Forestry and Wildlife for multi-use resource, cultural, recreational and game management area involving tax map keys: 7-1-1:1, 6, 4; 7-1-2:1, 13; 7-1-3:16; 7-1-4:18.
2. Recommend to the Governor the issuance of a set aside to the Division of State Parks for park reserve and resource management purposes involving tax map keys: 7-1-2:8, 3 and 7-1-3:2.
3. Approval in principle the natural resource management guidelines and priorities recommended, as a guide for the relevant Divisions and future community partnerships for resource management actions.
4. DOFAW and State Parks will prepare and submit a Pu'u Wa'awa'a Management Plan to the Land Board by August 2002 for their consideration and approval.
5. Approve the establishment of an Ahupua'a Advisory Council to act as an advisory capacity to the Department for the overall management.
6. Upon approval of the Pu'u Wa'awa'a Management Plan, DOFAW and State Parks to submit annual reports to the Land Board that

reviews progress of all natural and cultural resource management activities.

The Land Board amended its January 25, 2002 approval by:

1. On page 1 remove 'DOFAW conducts cooperative hunting programs with rancher.'
2. On page 6 amend 'DOFAW will need to seek funds for a full-time coordinator, a business plan consultant and additional staffing for the project.'
3. Replace Recommendation 4 with 'DOFAW and State Parks will submit a briefing on a preliminary management plan by August 2002. DOFAW shall make its best efforts to utilize a business plan consultant to insure that there is a solid financial plan. The briefing shall indicate the differences from the 1993 Plan and the HUI's plan.'
4. Add a new Recommendation to say 'DOFAW shall report back to the Board within 30 days with an interim plan of action including steps to protect existing rare plants with appropriate changes to grazing regime.' (Exhibit A)

The Governor on May 25, 2006 signed Executive Order No. 4161 setting aside 4,347.958 acres to the Division of State Parks for natural, cultural, recreational, resource management purposes, including but not limited to restoration of native plant and animal ecosystems, preservation of cultural resources, reforestation, hunting, public recreation, research, pasture, education and eco-tourism activities.

The Governor on June 13, 2006 signed Executive Order No. 4162 setting aside 62,613.109 acres to DOFAW for the Puuanahulu Game Management Area.

The executive order document [to DOFAW] for the remaining lands has not been finalized. Staff stopped the processing because in 2006 DOFAW staff re-evaluated their programs statewide and had concerns.

DISCUSSION

For this particular set aside the "multi-use resource, cultural, recreational and game management area" designation would jeopardize effective management by DOFAW and related enforcement activities due to a lack of applicable statutes and rules.

Thus, on September 27, 2006, at a special session of the Pu'u Wa'awa'a Advisory Council, it moved to:

1. Recommend the January 25, 2000 Land Board action be amended to change the purpose of the set aside of parcels 7-1-1:1, 6, 4;

7-1-2:1, 13; 7-1-3:16; 7-1-4:18 from multi-use resource, cultural, recreational and game management area to forest reserve.

2. Designate the set aside as the newly established Pu'u Wa'awa'a Forest Reserve.
3. Designate the Pu'u Wa'awa'a Management Plan approved on January 25, 2000 by the Land Board as the principal guiding document for managing the subject lands.
4. Seek final resolution or terms of resolution for outstanding encroachments are addressed prior to execution of the set aside. (Exhibit B)

Based on this information, staff is recommending minor changes to the January 25, 2002 approval concerning DOFAW only issues, which are: (1) change the purpose of the set aside from multi-use resource, cultural, recreational and game management area to Pu'u Wa'awa'a Forest Reserve, (2) give authorization to DOFAW to conduct a public hearing to add the subject lands to the Pu'u Wa'awa'a Forest Reserve, under provisions of Section 183-11, Hawaii Revised Statutes, as amended and (3) give authorization to the Chairperson to set the date and time for a public hearing and appoint a Hearing Master.

These changes will allow DOFAW to proceed and Land Division can complete the set aside document.

Staff is also working with a private landowner at Pu'u Wa'awa'a to resolve outstanding encroachments to facilitate the set aside process.

RECOMMENDATION:

That the Board amend its' prior action of January 25, 2002, under agenda Item D-18, by:

1. Change the purpose of the set aside to the Division of Forestry and Wildlife from multi-use resource, cultural, recreational and game management area to Pu'u Wa'awa'a Forest Reserve.
2. Authorize the Division of Forestry and Wildlife to conduct a public hearing to add the subject lands to the newly established Pu'u Wa'awa'a Forest Reserve, under provisions of Section 183-11, Hawaii Revised Statutes, as amended.

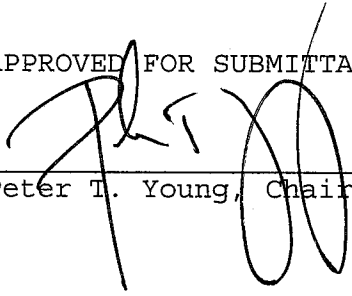
3. Authorize the Chairperson to set the date and time for a public hearing and appoint a Hearing Master.

Respectfully Submitted,

Charlene E. Unoki

Charlene E. Unoki
Assistant Administrator

APPROVED FOR SUBMITTAL:

A handwritten signature in black ink, appearing to read 'Peter T. Young', is written over a horizontal line.

Peter T. Young, Chairperson

EXHIBIT "A"

Land Board approval of January 25, 2002

D-18

AAA

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

January 25, 2001

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

Hawaii

Approval of a Set Aside to the Division of Forestry and Wildlife; Approval of Set Aside to the Division of State Parks; Approval of Natural Resource Management Guidelines and Priorities for State Lands at Puuwaawaa and Puuanahulu, North Kona, Hawaii
Tax Map Keys: 3rd/ 7-1-01: 01, 06& 04; 3rd/ 7-1-02: 01, 08 & 13; 3rd/ 7-1-03: 01, 02 & 16; 3rd/ 7-1-04: 01 & 18

LOCATION:

Portion of Government lands of Puuanahulu and Puuwaawaa situated at North Kona, Hawaii, identified by Tax Map Keys: 3rd/ 7-1-01: 01, 06& 04; 3rd/ 7-1-02: 01, 08 & 13; 3rd/ 7-1-03: 01, 02 & 16; 3rd/ 7-1-04: 01 & 18 (See Exhibit A)

LAND AREA, CURRENT ENCUMBRANCES AND PROPOSED AGENCY SET ASIDE:

Tax Map Key	Area	Ahupuaa	Current Encumbrance*	Proposed Set Aside
3 rd / 7-1-01: 01	5951.563 total acres	Puuwaawaa	3,809.53 acres – Forest Bird Sanctuary* 2142.033 acres – Unencumbered (DOFAW conducts hunting programs)	DOFAW
3 rd / 7-1-01: 06	13,046.1 acres	Puuwaawaa	RP to DeLuz/Kato (DOFAW conducts cooperative hunting programs with rancher)	DOFAW
3 rd / 7-1-01: 04	506.046 acres (Puuwaawaa Cinder Cone)	Puuwaawaa	RP to DeLuz/Kato on approx. 406 acres excluding former Volcanite Quarry area (DOFAW conducts cooperative hunting programs with rancher)	DOFAW
3 rd / 7-1-02: 01	13,273.128 acres	Puuwaawaa	Unencumbered (DOFAW conducts hunting programs)	DOFAW
3 rd / 7-1-02: 13	2,589.5 acres	Puuwaawaa	Unencumbered (DOFAW conducts hunting programs)	DOFAW
3 rd / 7-1-03: 16	505.3 acres	Puuanahulu	Unencumbered (DOFAW conducts hunting programs)	DOFAW
3 rd / 7-1-04: 18	4,803.6 acres	Puuanahulu	RP to DeLuz/Kato (DOFAW conducts cooperative hunting programs with rancher)	DOFAW
	40,675.237 acres			DOFAW

As Amended
APPROVED BY THE BOARD OF
LAND AND NATURAL RESOURCES
AT ITS MEETING HELD ON

January 25, 2002. [Signature]

ITEM D-18

3 rd / 7-1-02: 08	3,522.931 acres (Kiholo)	Puuwaawaa	Unencumbered	STATE PARKS
3 rd / 7-1-03: 02	825.067 acres	Puuanahulu	Unencumbered	STATE PARKS
	4,347.998 acres			STATE PARKS

*Board action for set aside to DOFAW already approved.

LEGAL REFERENCE:

Section 171-11, 43.1 Hawaii Revised Statutes, as amended

LAND TITLE STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CURRENT USE STATUS:

Revocable Permit to Ernest DeLuz, husband of Marian DeLuz, whose address is Box 238, Honokaa, Hawaii 96727; Stephen DeLuz, unmarried, whose address is Box 238, Honokaa, Hawaii 96727; and Mikio Kato, husband of Ellen Kato, whose address is P.O. Box 1536, Kailua-Kona, Hawaii 96740, as Tenants in Common, for pasture purposes.

Revocable permit to Ernest DeLuz, husband of Marian DeLuz, whose address is Box 238, Honokaa, Hawaii 96727; Stephen DeLuz, unmarried, whose address is Box 238, Honokaa, Hawaii 96727; and Mikio Kato, husband of Ellen Kato, whose address is P.O. Box 1536, Kailua-Kona, Hawaii 96740, as Tenants in Common, on 2 houses and the hanger facility for residential and ranching office/storage purposes respectively.

Revocable permit to Jerry R. King and another party to be identified, on 3 structures for residential purposes.

PURPOSE:

Natural, cultural, recreational resource management purposes including but not limited to restoration of native plant/animal ecosystems, preservation of cultural resources, reforestation, hunting, public recreation, research, pasture, education, and eco-tourism activities.

ENVIRONMENTAL, ZONING AND PERMIT ISSUES

Chapter 343, HRS Compliance – Some of the proposed land uses (e.g. ecotourism) may be inconsistent with past uses. At a minimum, the preparation of an Environmental Assessment and a Finding of No Significant Impact would be required prior to any disposition for such purposes.

Conservation District – Due to portions of the requested areas being zoned Conservation (Exhibit D), Chapter 183C HRS approvals may be required for anything that would be considered land uses by the Conservation District rules.

County Zoning – The property is zoned both Agriculture and Conservation. Certain proposed uses may be inconsistent with County zoning. Use and rental of existing improvements for non-agricultural related uses may require special permits or other entitlement approvals from the County.

State Land Use – Any non-agricultural activities that encompass an area greater than 15 acres may require special permitting from the Land Use Commission.

BACKGROUND:

At its meeting of November 16, 2001, the Board of Land and Natural Resources, under Agenda Item D-17, the Board considered an action that would have set aside the subject areas to DOFAW and State Parks as well as approved "in principle" a lease of approximately 21,000 acres to Ka 'Ahahui 'o Pu'u Wa'awa'a (HUI). After lengthy public testimony, there were two motions that were deliberated but failed to pass the Board. The Board ran out of time and adjourned without taking action on the proposal.

The two major interested groups Ka 'Ahahui 'o Pu'u Wa'awa'a (HUI) and the Wildlife Conservation Association of Hawaii (WCA) submitted revised or supplemental proposals for the November 16th Board meeting in Kona. Although both proposals promoted a similar ahupuaa multi-use concept with similar activity components, they differed in both scale of native restoration activities, carrying capacity for ranching and game mammals, and sources of funding. The primary concerns of the Board seemed to revolve around:

- A sound financial business plan with specific short and long-term actions.
- A balanced and realistic approach to management of the property with grave concerns over the fire risks and its impact on resources.
- A desire to insure that any disposition to a private entity resulted in a balanced approach to dealing with the interests of the various stakeholders.
- Preference towards providing some type of forum for community and stakeholder input into whatever management and decision making process is established for the property.

Based on testimony, there did not appear to be opposition to the proposal to set aside the areas to DOFAW and State Parks with exception of the old school house site that has been removed from consideration under this submission. The proposal by the local Puuanahulu community organization for the school house property will be brought to the Board for separate consideration at a later date.

Those in opposition to the HUI lease appeared focused on the concern that such a large tract of public land and its unique cultural, natural and recreational resources should not be leased to a private entity. The concerns were reinforced by written testimony signed by the majority of DOFAW district management-level staffing, who took the position that direct management of the area should be retained by DOFAW.

ANALYSIS:

DOFAW's PERSPECTIVE

ANALYSIS: It is important that the Board's final decision on Puuwaawaa establishes a clarity of direction that provides the best opportunity to optimize chances of management success on the ground. The diversity and richness of resources of the ahupuaa has sparked significant community interest in the future management of these areas. The lengthy lease disposition process has prompted vigorous debate. While the process has brought some focus to key issues, it has also resulted in competing sides being formed among affected stakeholders within the communities of both place and interest. The challenge for the Board is to find the combination of finality and flexibility so the relevant DLNR divisions and affected stakeholders can work together to deal with the issues on the ground and meet the broad public expectations for the area.

Previous and Current Staff Recommendations:

The 11/16 staff submittal recommended set aside of lands to the Divisions of Forestry & Wildlife (DOFAW) and State Parks (SP), acknowledging that Land Division is not the type of agency with the expertise to oversee the proposed type of natural and cultural resource management programs.

That staff recommendation for the subject lands to be set aside to DOFAW and SP remains valid, although expertise in the Lands Division is still relevant and needed for some of the administrative processes in the future. The interests of DOFAW and SP can be geographically separated by the Queen Kaahumanu Highway. All areas makai of Queen Kaahumanu Highway within both Puuanahulu and Puuwaawaa have been targeted for future State Park designation. As a result of the recent Bakken exchange at Kiholo, the former Lynn residence is being set aside to State Parks by Governor's Executive Order as "Park Reserve.

Current staff recommendation supports set aside of listed parcels to DOFAW and SP as detailed.

The Board previously approved set asides to DOFAW of the Bird Sanctuary (May 15, 1998) and the Puuanahulu area as a Game Management Area (April 9, 1999). At the 11/16 meeting, DOFAW strongly urged that these designations not be rescinded as they represented important long-term management direction and priorities. This was discussed by the Board, although no formal vote was taken at that time.

Current staff recommendation supports retention of previous Board actions for the Puuanahulu Game Management Area and the Puuwaawaa Forest Bird Sanctuary. As a result, the TMKs identifying the parcels associated with the prior approvals are excluded from this action.

A community group representative from Puuanahulu requested that parcel 3rd/7-1-05: 05 (8.199 acres) not be considered within this disposition. There was a concern this would set back ongoing dialogue with Lands staff for use of the site for educational purpose. This was also discussed by the Board at the 11/16 meeting, although no formal vote was taken at that time.

TMK parcel 3rd/7-1-05: 05 was removed from this disposition.

Staff recommended an approval in principle of a direct lease and/or memorandum of understanding between DOFAW, SP and the HUI pursuant to Chapter 171-43.1, HRS, for the overall management of the ahupuaa of Puuanahulu and Puuwaawaa subject to the numerous terms and conditions. This was not a consensus staff opinion. DOFAW was on record in support of HUI request for the ahupuaa of Puuwaawaa, stating that it felt that it offered the best opportunity for needed native resource restoration with little cost to the State in terms of funding and personnel.

Due to the amount of public lands and trust resources involved, reservations have been expressed over turning these lands over to the control of a private entity, regardless of its admirable intentions. Lands staff had specific reservations with the principle of allowing a private non-profit, paying nominal rent, to lease or license "for profit" operators and re-direct these funds into resources on the property. The issue of fiscal controls necessary to insure that all revenues generated on the property are spent on the resources remains a question. There are additional concerns such as how applicable departmental rules would apply under a lease or MOU to a private entity.

There was also a letter addressed to the Board at the 11/16 meeting by DOFAW employees on the Big Island expressing their commitment and belief that the land should be turned over to DOFAW, rather than any private entity. A follow up meeting with the DOFAW Administrator and his staff reaffirmed that strong consensus (not withstanding the parcel assigned to State Parks). DOFAW staff felt that it is their job to balance the many expectations and demands from the varied stakeholders to manage public trust resources. In addition, even if the lease was turned over to a private entity, many of the natural resource management issues within the Puuwaawaa lease area (e.g. hunting, fire control, endangered species) would remain under the jurisdiction of the Division of Forestry & Wildlife. Furthermore, strategies to manage many of these public trust resources will necessitate a

regional approach, extending beyond the lease area into the surrounding Puuananhulu Game Management Area and the Pohakuloa Training Area

DOFAW staff supports a creative and flexible management framework to tap the expertise, participation, and financial resources of the communities of both interest and place. They are well aware that public resources to meet the challenge on the ground will never be sufficient, and private sector involvement is critical. Even while expressing a "concern of setting sights too high and not having the resources to pull it off", they are committed to take on the challenge. DOFAW will need to seek funds for a full-time coordinator and additional staffing for the project.

DOFAW is proposing to use its existing program structure at both line and staff levels to provide guidance and direction for the variety of resource management issues. This would include specialists with natural area, fire protection, endangered species (plant and animal), game management, and outdoor recreation expertise. A critical success component would be the establishment of long-term cooperative management agreements (CMA) with community groups, such as the HUI and the WCA. A potential model would be the Hamakua community forestry project that DOFAW has recently entered into with the Laupahoehoe Train Museum, North Hilo Community Council, and the Laupahoehoe High School. CMA's could be established for hunting, dry land forest restoration, environmental education, animal control, native forest protection, and endangered species outplanting.

Current staff recommendation is for DOFAW and SP to retain overall responsibility for the management of the subject land parcels, with the condition, that they actively seek out short and long-term Cooperative Management Agreements (CMA) with interested community groups such as the HUI and the WCA. A detailed management will need to be drafted and approved by the Board to guide overall management priorities as well as short and long-term CMA's.

Staff recommended the establishment of an Ahupuaa Advisory Council to act as an advisory capacity to the Board for the overall management and dispositions within the lands of Puuwaawaa. The concept was discussed favorably with suggested modifications at the 11/16 meeting, but no formal action was taken by the Board.

One of the sparks that ignited the initial community interest at Puuwaawaa was the opportunity to re-invigorate the traditional ahupua'a natural and cultural resource management model that would include enhanced community decision making processes. This was also one of the key attractions from some of private foundations and was a prominent feature of the HUI proposal. At the same time, the issue of control over public trust resources by a private entity became one of the major issues debated during the public process. Staff supports the creation of an Ahupuaa Advisory Council so that interested stakeholders could actively participate in the future management of the lands of Puuwaawaa. One successful model is the island Na Ala Hele Advisory Council, where stakeholders representing various interest groups are chosen by the Chairman and serve two year terms.

Current staff recommendation is for the creation of a Ahupuaa Advisory Council to advise DOFAW and SP. Stakeholders representing various interest groups, such as the HUI and the WCA, and other advisory groups already established, such as Na Ala Hele, Hunters Advisory and Burial Councils, will be chosen by the Chairman. Overall scope of the Council will be determined at its initial meetings, but it is anticipated to act as an umbrella group focusing on the relationships of the varied subject matter issues within the ahupua'a. Outside grants to support the workings of the Council will be sought.

Natural Resource Guidelines and Priorities: It is recommended that DOFAW and SP draft a Puuwaawaa Management Plan (PMP) for Board review and approval that will establish guidelines and priorities, clearly setting the natural resource management agenda for the subject lands. Relevant line Divisions would work under the approved guidelines and priorities, providing a transparent framework to create needed outside partnerships with community groups and funding agencies. Staff believes that there is more than enough work and common interests shared among the stakeholders, but the scale and intensity of land uses has remained a sticking point. The goal of PMP is to set clear, yet flexible priorities to allow the appropriate balance for directed yet innovative approaches for natural resource management that involves affected stakeholders. We believe that the approved Management Plan guidelines and priorities should be applicable for at least ten years.

Major areas to be addressed in the PMP will include, but not be limited to Fire, Public Access, Ecotourism, Native Ecosystem and Endangered Species Management, Game Management, Infrastructure, Community Stewardship, and Funding. The skills, knowledge, and abilities of the communities of both place and interest are critical components for success – not to mention the outside public and private funding sources. Annual reports to the Board are recommended which could include changes in priorities as needed.

Wildland Fire: Fire prevention and suppression control will be the number one priority natural resource issue addressed. If we cannot stop the fires, potential for loss of property and life will increase, and there will be no native resources to protect or game mammals to hunt. Active and well managed grazing by cattle is critical for fire fuel reduction, especially along Highway 190 and on all lands within the ahupua'a. The first priority for any grazing system for Puuwaawaa and/or Puuanahulu should be fuels reduction within the context of an overall fire plan. The newly created Big Island Wildfire Coordinating Group should be consulted to help create or at least endorse such a plan.

Fortunately, there are four capital improvement projects in this year's Administration budget (@\$1,100,000) that if approved, would go a long way into fire proofing the area, while providing jobs for the local community. Active support of all stakeholders and the Board is needed at this year's legislature for these projects:

Puuwaawaa Fire Break Improvements (\$294,000) - Widen existing five miles of fire break to forty feet in width and establish grazing infrastructure (e.g. fences, water tanks) to maintain vegetation.

Puuwaawaa, Repair Fire Reservoir (\$120,000) - Remove old (30+ years old) reservoir liner and replace with new liner. Reshape reservoir to minimize surface area and reduce evaporation. Restore apron area for use by endangered species and maintain water at beneficial level for fire suppression and endangered wildlife species.

Puuanahulu Game Management Area - Construct Water System (\$600,000) - Construct a water system to provide a reliable and quick source of water when responding to wildland fires in the area. A livestock fence installed along the Mamalahoa Hwy will allow cattle to be brought in to graze and reduce grass fuels thereby, minimizing wildland fires near the ignition source.

Mauna Kea Forest Reserve, Hawaii Puu Laau Fire Reservoir Dip Tank (\$125,000) A water system will provide fire fighting resources as a reliable and quick source of water when responding to wildland fires in the area.

Grazing: The current pasture Revocable Permit should be continued until such time as time as a PMP is approved and the grazing plan, intensities and rotations are determined such that a Request for Proposal or Bid can be issued. Upon approval of the PMP, a Request for Proposals (RFP) would be issued to the private sector for the grazing component for the subject lands. The grazing RFP would be designed to help implement the fire control plan for both the Puuanahulu and Puuwaawaa ahupuaas. Little or no net revenue is expected as the grazing regimes required probably will not lend themselves to a stand-alone viable business enterprise. Any opportunity to retain the current knowledgeable grazing expertise should be explored. Should the existing rancher not be selected, DOFAW will make its best effort to minimize the negative economic impact to the existing rancher by incorporating a reasonable transition plan into the RFP process.

Public Access: At a minimum, controlled public access routes need to be established through the subject lands to serve resource management needs, facilitate public hunting on the parcel, and provide recreational access to the cinder cone. The proposed Ahupua'a Advisory Council should help create and/or endorse a public access plan.

Eco-Tourism: Upon approval of the PMP, an RFP to the private sector will probably be issued for the eco-tourism component for the subject lands. Net revenues are expected and needed from the eco-tourism component. Net revenues should be re-invested into the management of the subject lands. DOFAW and SP will adhere to the Board's established commercial policy and hierarchy (natural/cultural resources first, public use second, commercial use third).

Native ecosystem and endangered species management: It is especially critical to establish the scale of these actions, which have been one of the most debated issues among the community. Fencing and animal removal, coupled with fine fuels management, remains

an effective and at times, the only way to protect and restore native flora – especially within landscapes where grazing cattle and game mammals are needed or desired. In this regard, staff is recommending an endangered plant species strategy where small fenced areas will need to be established within the Puuanahulu GMA to protect rare plants and seed sources. In turn, larger ecosystem based units will be established within the lands of Puuwaawaa that will provide sites for outplanting and restoration of native ecosystems. The approved PMP will outline these specific areas.

Game Management: Game management and animal control strategies within the subject lands should be part of a game management strategy that optimizes the maintenance and enhancement of hunting. Game bird hunting should be allowed in all subject lands except for designated safety zones. To effectively communicate intensities of game mammal management activities, DOFAW recommends the use of its management guidelines (See Exhibit B), which were developed for that purpose.

The majority of the subject lands at Puuwaawaa will be for *Mixed Game and Other Uses*, which are described as areas where game management is an objective integrated with other uses. Habitat may be manipulated for game bird enhancement. Game populations are managed to acceptable levels using public hunting. Designated areas in the Management Plan would be managed as animal control units, which are defined as areas where resource protection is the primary objective, with emphasis on native plant communities and watersheds. Seasons and bag limits are designed for public hunting to reduce impacts to native resources.

Compliance with Federal and State Endangered Species Laws: It is expected that large portions of the lands of Puuwaawaa and Puuanahulu will be proposed and designated as Federal critical habitat for endangered plant species. Finding the balance between the continued survival of native plants and animals while providing public hunting opportunities is a complex endeavor. Public hunting is an essential tool in controlling game mammals on public and private lands where control is needed. DOFAW public hunting program can help focus hunting efforts and provides hunter access to more remote sites, thereby helping to control game mammal populations in those areas. In addition, many game management activities benefit and enhance listed species (i.e. predator control and water unit development for game birds benefit nene in many areas).

In accordance with law, a broad regional habitat conservation plan (HCP) may be needed that allows "take" in selected areas in exchange for enhancement or restoration of species in other areas. No such habitat conservation plan has been developed in Hawaii or attempted. DOFAW proposes to develop a draft HCP for the lands of Puuanahulu and Puuwaawaa (See Exhibit C) to see what requirements and conditions might be mandated in light of potential plant critical habitat designations and/or use of federal funds. Any HCP would be brought back to the Board for final approval.

DIVISION OF STATE PARKS PERSPECTIVE

Although the Division of State Parks lacks the current resources to establish a State Park on these lands at this time, the division is willing to accept the set aside under a "park reserve" status. The Division of State Parks welcomes the interest in establishing an advisory council and all types of community partnerships that may further the management and protection of existing resources while improving the public's access and use of this area.

RECOMMENDATIONS: That the Board:

1. Approve of and recommend to the Governor the issuance of an executive order setting aside the lands identified by Tax Map Keys: 3rd/ 7-1-01: 01, 06 & 04; 3rd/ 7-1-02: 01 & 13; 3rd/ 7-1-03: 16; 3rd/ 7-1-04: 18; to the Division of Forestry and Wildlife as a Multi-Use Resource, Cultural, Recreational and Game Management Area, under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:
 - A. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
 - B. The Division of Forestry and Wildlife shall be required to comply with any applicable requirements of Chapter 343, HRS;
 - C. The Division of Forestry and Wildlife shall be required to obtain any and all appropriate Conservation District approvals prior to the establishment of any physical alterations to the land or anything that would be considered a land use under the Conservation District rules within any Conservation zoned areas;
 - D. Any leases, permits, licenses, agreements or other contracts in connection with this property will be subject to approval by the Board;
 - E. All existing revocable permits will continue to be administered by Land Division until such time as (1) The permits expire, (2) DOFAW requests a transfer of the permits for their administration, or (3) the permits are mutually terminated;
 - F. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;
 - G. Review and approval by the Department of the Attorney General; and
 - H. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

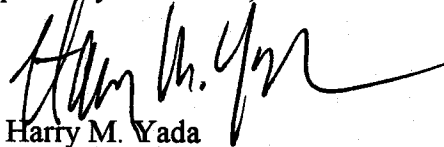
2. Approve of and recommend to the Governor the issuance of an executive order setting aside the lands identified by Tax Map Keys: 3rd/ 7-1-02: 02 & 08 and 3rd/ 7-1-03: 02 to the Division of State Parks for the purposes of park reserve and resource management purposes, under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:
 - A. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
 - B. The Division of State Parks shall be required to comply with any applicable requirements of Chapter 343, HRS;
 - C. The Division of State Parks shall be required to obtain any and all appropriate Conservation District approvals prior to the establishment of any physical alterations to the land or anything that would be considered a land use under the Conservation District rules;
 - D. Any leases, licenses, agreements or other contracts in connection with this property will be subject to approval by the Board;
 - E. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;
 - F. Review and approval by the Department of the Attorney General; and
 - G. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
3. Approve in principle the natural resource management guidelines and priorities recommended within this board submittal to guide relevant Divisions and future community partnerships for resource management actions within the subject lands of Puuwaawaa and Puuanahulu. *Business Plan - Consultant*
4. DOFAW and State Parks will prepare and submit a Puuwaawaa Management Plan (PMP) to the Board by 8/02 for their consideration and approval. Major areas to be addressed in the PMP will include, but not be limited to Fire, Public Access, Ecotourism, Native Ecosystem and Endangered Species Management, Game Management, Infrastructure, Community Stewardship, and Funding.

Concerns over timetable -

Month Aug. Briefing - Departs for 93 plan and H41

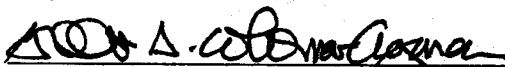
5. Approve the establishment of an Ahupuaa Advisory Council to act as an advisory capacity to the Department for the overall management within the lands of Puuwaawaa, subject to the following terms and conditions:
 - A. DOFAW and State Parks shall administer this advisory council.
 - B. Nominations will be solicited from the public for the advisory council and members will be chosen by the Chairman for two-year terms by 5/1/02, allowing time for the advisory council to have input in the PMP; and
 - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State; and
6. Upon approval of the PMP, require DOFAW and State Parks to submit an annual report to the Board that reviews progress of all natural and cultural resource management activities within the subject lands of Puuwaawaa and Puuanahulu, identifies problems that need to be addressed, and recommend needed changes to the existing natural resource management guidelines and priorities.

Respectfully Submitted,



Harry M. Yada
Acting Land Administrator

APPROVED FOR SUBMITTAL:



GILBERT S. COLOMA-AGARAN, Chairperson

Business Plan Consultants

APPROVED AS AMENDED. The Board amended the submittal as follows:

1. Page 1 of the submittal was corrected by removing the reference to DOFAW conducting hunting programs on TMK: 3rd/7-1-01: 04 that is the cinder cone. That is a buffer zone and no hunting is conducted in that area.
2. Recommendation No. 4 was replaced with the following:

(Cont'd - see attachment.)

ATTACHMENT TO ITEM D-18

APPROVED AS AMENDED (Cont'd):

DOFAW and State Parks will submit a briefing on a preliminary management plan by August 2002. DOFAW shall make its best efforts to utilize a business plan consultant to insure that there is a solid financial plan. The briefing shall indicate the differences from the 1993 Plan and the HUI's plan.

3. Add recommendation No. 5 as follows and renumber remaining recommendations accordingly:

DOFAW shall report back to the Board within 30 days with an interim plan of action including steps to protect existing rare plants with appropriate changes to grazing regime.

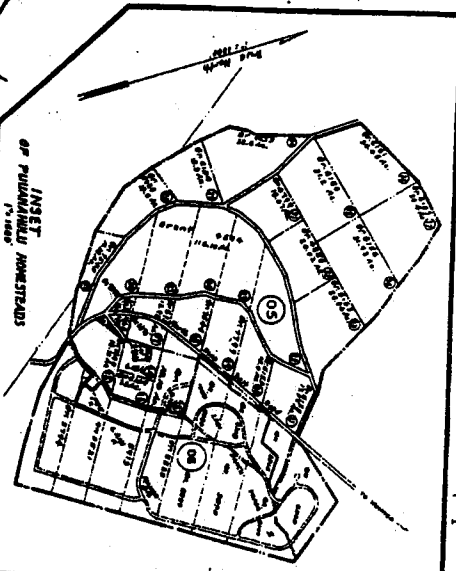
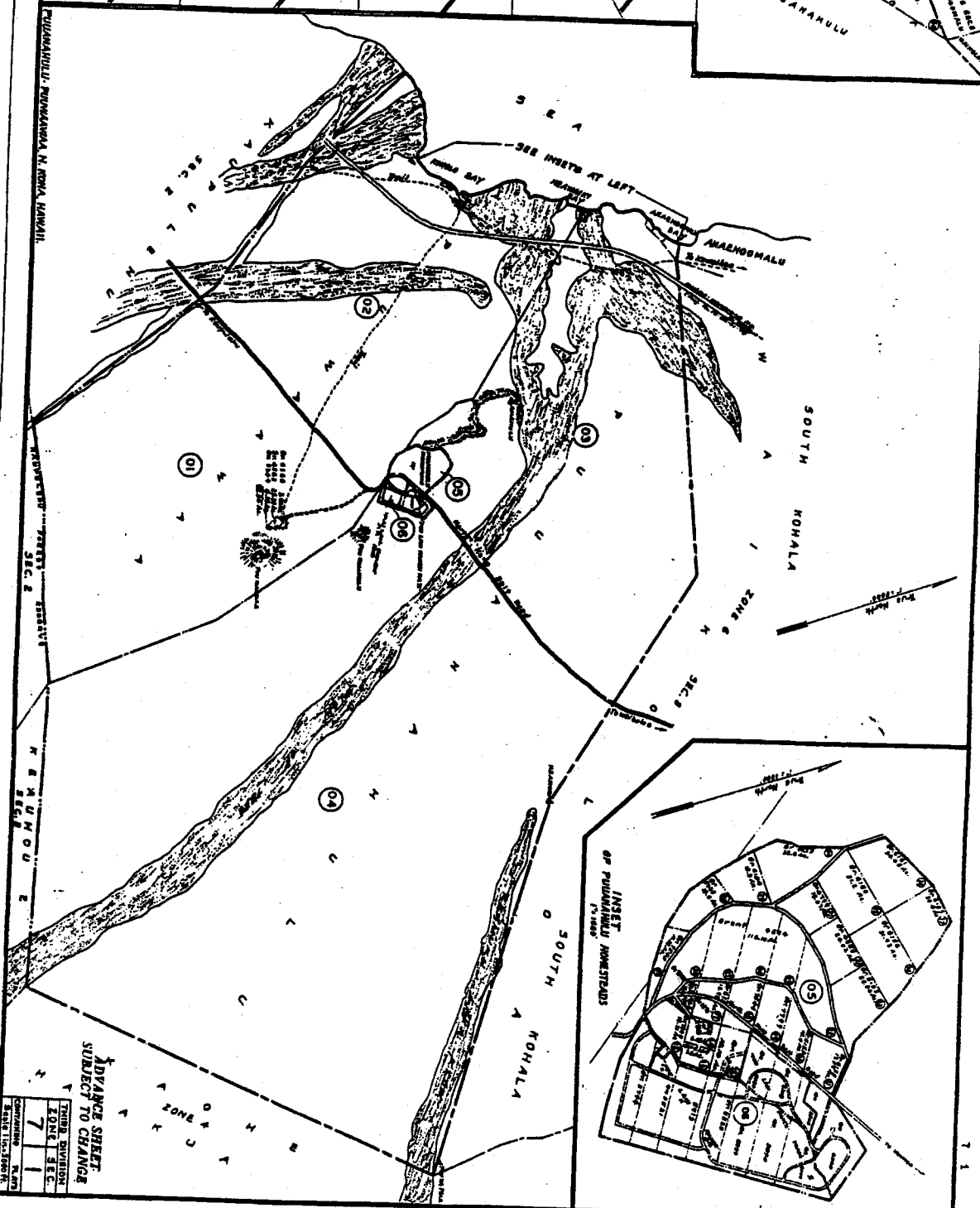
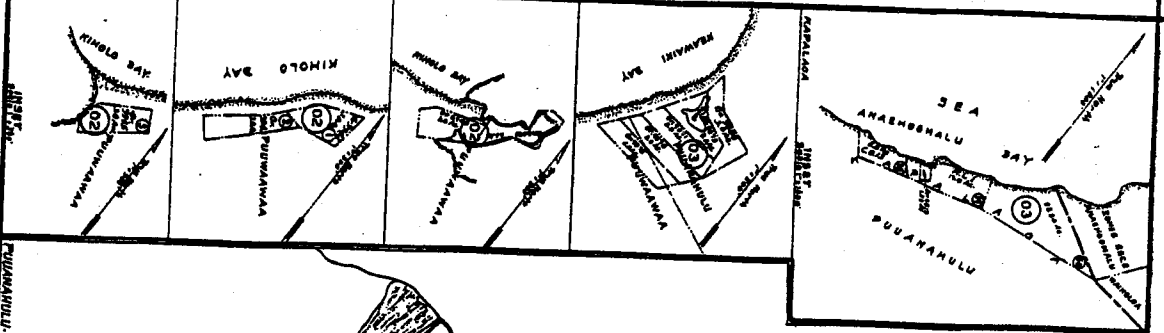
100



Dwg. No. 1181
 By: SAC E. S. GILMAN
 Source: Navy Data

Appr. by: _____
 Revised by: _____
 Appr. by: _____

CONTACTED
 MAY 23 1951



ADVANCE SHEET
 SUBJECT TO CHANGE

THIRD DIVISION	7
ZONE 1 SEC.	1
THIRD DIVISION	7
ZONE 1 SEC.	1

EXHIBIT A (1 of 5)

[illegible]

PUUMAHANA (MAUI), N. KONA, HAWAII

BIRD SANCTUARY

REPLY

RESERVE
FOREST

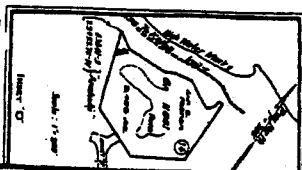
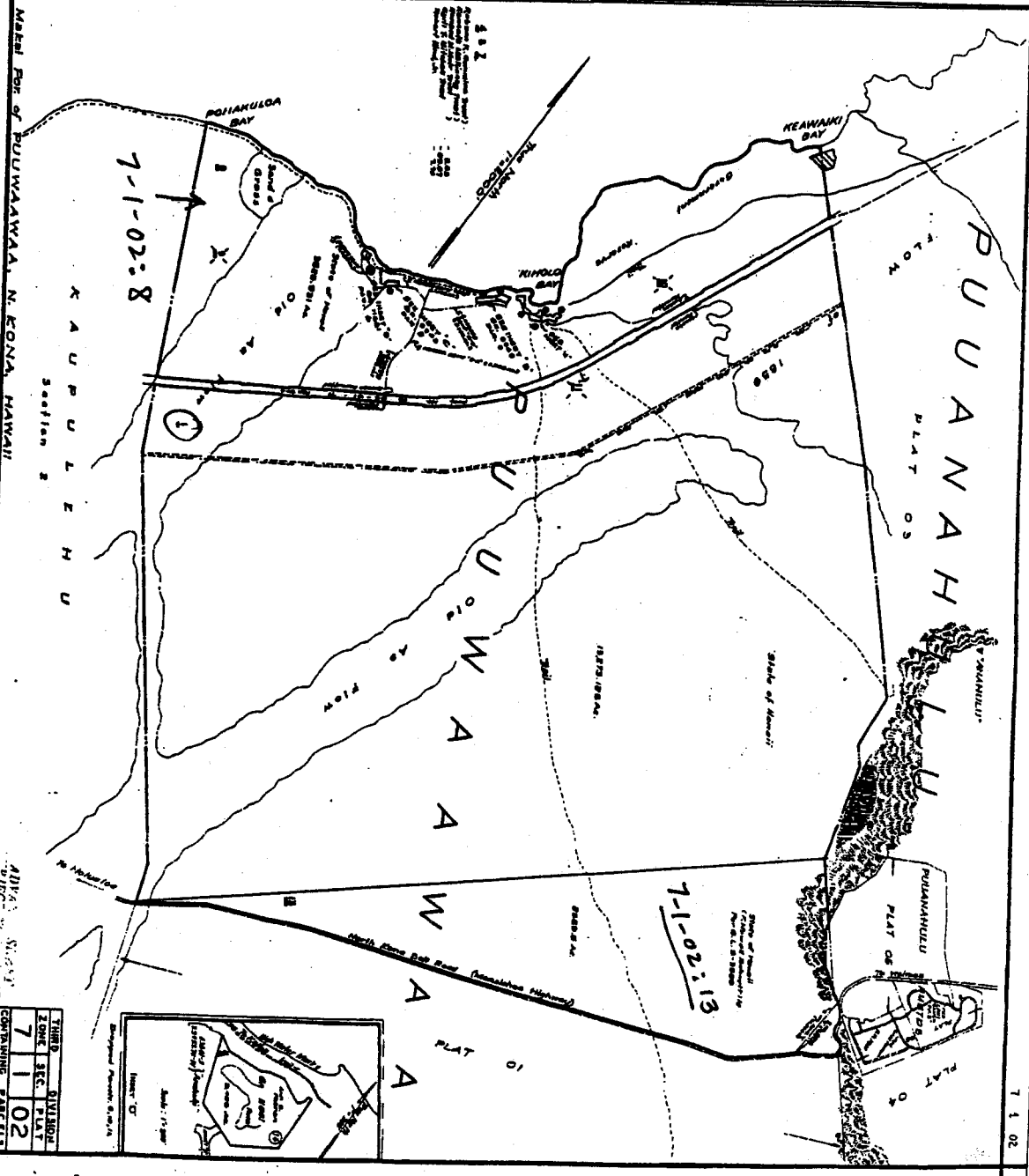
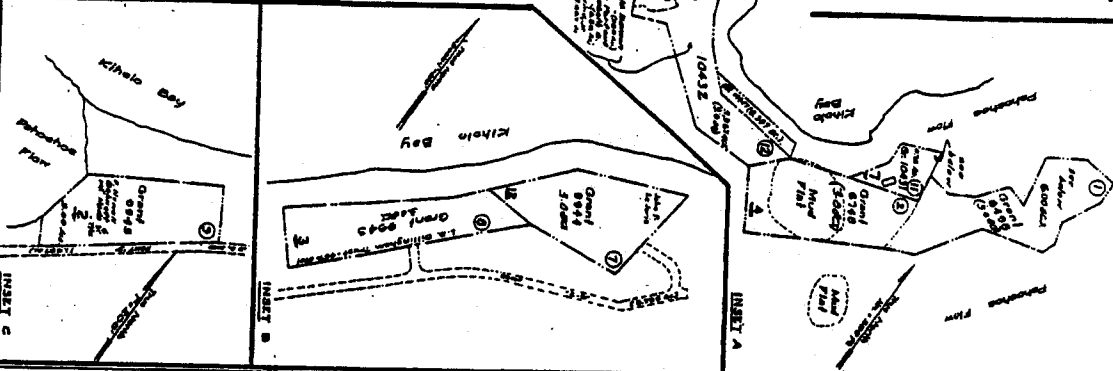
NOTE: When Unkempt
Barrels are surveyed areas
are to be checked and
paved over only.

THIRD	DIVISION		
ZONE	SEC.	PLAT	
7	1	01	
CONTAINING PARCELS			
SCALE: 1 in. = 40' as noted			

PROBATION

EXHIBIT A (2 of 5)

Dwg No: 1608
 Source: Survey Office - Map No. 2935 & 2787
 By: D.C. G.C. & P.D. - Feb 1936



ADP'S SURVEY
 WHICH IS CORRECT

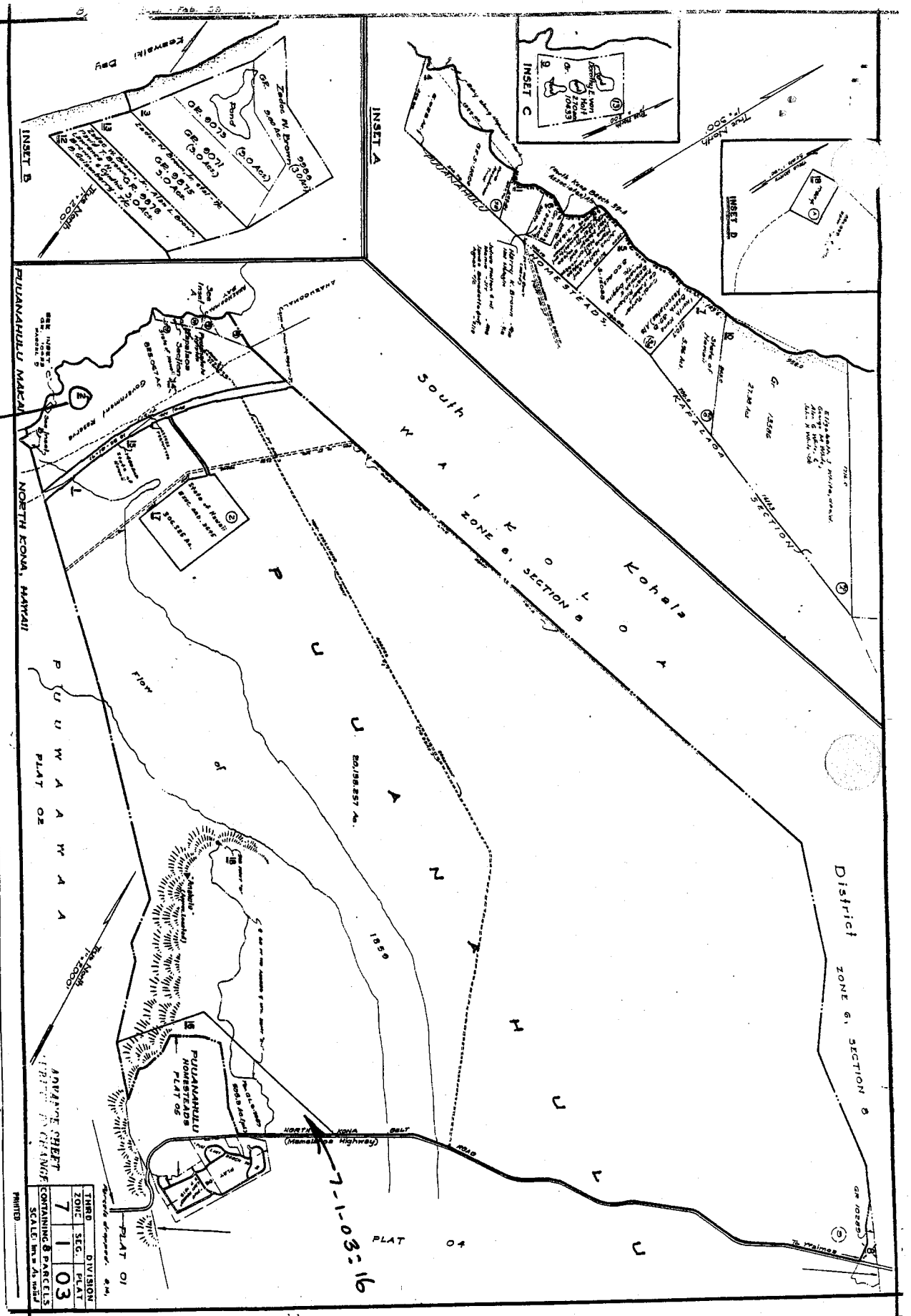
THIRD	DIVISION
200	SEC. PLAT
71	02
CONTAINING PARCELS	
SCALE 1/4" = 100'	

EXHIBIT A (3 of 5)

7-1-03:02

374

EXHIBIT A (4 of 5)



PUUANAHULU MAUKA, N. KONA, HAWAII

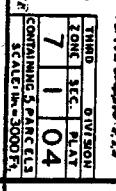


EXHIBIT A
(5 of 5)

GAME MANAGEMENT GUIDELINES

Game Production: Game is a primary objective. Areas are managed for public hunting on a sustained-yield basis. Habitat may be manipulated for the purpose of increasing or maintaining the game carrying capacity of the habitat. Hunting seasons and bag limits are set to provide sustained public hunting opportunities and benefits.

Mixed Game and Other Uses: Areas where game management is an objective integrated with other uses. Habitat may be manipulated for game bird enhancement. Game populations are managed to acceptable levels using public hunting.

Game Control (public): Areas where resource protection is the primary objective, with emphasis on native plant communities and watershed s. Seasons and bag limits are designed for public hunting to reduce impacts to native resources.

Game Control (supervised): Areas designated for animal removal by staff or agency designees because of environmental sensitivity, remoteness, or public safety.

Nontraditional Section 6 Program

Habitat Conservation Plan Grant Program

July 3, 2001

Project Title: Development of an HCP for Game Mammal Management in North Kona, Hawaii.

Project Period: July 1, 2002 – June 30, 2004. (Two Years)

A. Need

One of the major Hawaiian natural resource management issues that has generated debate is the protection of native ecosystems versus management of game mammals and maintaining public hunting for its conservation and recreation benefits. Hawaii is unique in that none of the game species hunted are native. Hunting remains a popular and cherished activity for many of Hawaii's residents. However, Hawaii has the highest number of endangered and threatened plant species (378) in the U.S. If populations of game mammals are left unchecked, they will have detrimental impacts on endangered plants and animals and their ecosystems. Virtually all recovery plans for endangered plants and forest birds identify the deleterious affects of game mammals as a major cause of species decline, either by feeding or trampling on endangered plants and animals, or by destroying forest habitat or contributing to disease problems for endangered birds.

Finding the balance between ensuring the continued survival of native plants and animals while providing public hunting opportunities is a complex endeavor. Public hunting is an essential tool in controlling game mammals on public and private lands where control is needed. The Division of Forestry and Wildlife's (DOFAW) public hunting program supports and facilitates hunting on public and private lands by providing a structured program that is accessible to all which promotes and encourages participation. The program also focuses hunting efforts and provides hunter access to more remote/pristine sites, thereby helping to control game mammal populations in those areas. In addition, many Game Management Program activities benefit and enhance listed species (i.e. predator control and water unit development for game birds benefit nene in many areas). Roads, trails and facilities developed or maintained in remote areas increase hunter pressure that helps control game mammals.

Program activities that do enhance game mammal populations are done in "Game Production" areas that are badly degraded and not appropriate for long-term native species ecosystem recovery and management. Where there is potential for impacts to listed species, fencing and other mitigative measures are used protect listed species. However, with a high potential for direct and indirect effects on listed species in game production and adjacent areas and the increased listing of new species and critical habitats for endangered plants, it has become more and more difficult to manage large areas for game mammals and avoid impacts on listed species. A broad regional habitat conservation plan in place such as a Habitat Conservation Plan (HCP) is needed that allows take in selected areas in exchange for enhancement or restoration of species in other areas. No such habitat conservation plan has been developed in Hawaii or attempted. Developing such a model will allow development of game

management programs in selected areas while providing for the needs of endangered species that may be affected.

The Division proposes to develop a HCP in the North Kona area of the Big Island in the Puuanahulu Game Management Area and the Puu Waawaa Cooperative Game Management Area. This is one of the largest areas designated for game mammal production in the State (combined area of 104,000 acres plus the adjacent Puu Waawaa Forest Bird Sanctuary of 3,800 acres and adjacent private and public lands of 20,000 acres) and currently has or had previous records of 10 endangered animals and 34 endangered plants, 1 designated critical habitat, and 14 species of concern (see attached list). Large portions of the area are badly degraded and most appropriate to be managed for game mammal production and hunting. Portions of the area contain some of the best remaining native dry forest in the area. An HCP is needed to deal with potential impacts of game mammal management on listed species and the critical habitat of *Kokia drynarioides*. Twenty-two of the listed species number less than 300 individuals and are in critical need of recovery actions. This plan will be developed over a two year period for the State lands on the site and serve as a model for other game production areas. Potential Cooperators include, U.S. Army Pohakuloa Training Area (leases adjacent State lands), U.S. Forest Service (involved in Puu Waawaa dry forest restoration efforts), Hawaii Hunters Advisory Council, Ka Ahahui O Puu Waawaa (Community Group), Stanford University and The Nature Conservancy. Two private landowners in the area will be informed of the project and its potential benefits and provided an opportunity to participate as cooperators in the planning process or as potential subpermittees, according to their desires and needs.

B. Objective:

- Capture and monitor the movements of wild sheep, goats and pigs in the North Kona area to establish the area of affect of game mammals produced on or using the Puuanahulu and Puu Waawaa Game Management areas (GMAs).
- Survey and identify endangered plant and animal species in the Puuanahulu and Puu Waawaa GMA's and adjacent areas (project area).
- Establish baseline conditions of listed species in the project area.
- Monitor select endangered plants to identify scope and range of impacts of game mammals on listed species and habitat in project area.
- Develop management and restoration actions to mitigate impacts on listed species and habitat in project area.
- Draft an HCP that will allow continued game production and hunting in Puuanahulu and Puu Waawaa GMAs while mitigating impacts to listed species and habitat.

C. Expected Results or Benefits

By developing and entering into an HCP for game mammal production and hunting in North Kona, the state will take actions to improve the condition of 44 endangered species, 1 designated critical habitat, and 14 species of concern in the project area while continuing to provide public hunting and outdoor recreation for the public. This project will survey endangered species populations in game production areas of North Kona and identify and mitigate impacts of game mammals on these species. The habitat conservation plan will develop needed long term habitat protection measures and immediate recovery actions such as priority endangered plant propagation and outplanting activities to protect and increase numbers of critically endangered species. The development of HCP for game production and hunting in this area will provide a model for other HCPs in the state. The HCP will be developed to meet the requirements of the State and Federal law and permit issuance processes. Development of an HCP for the game mammal hunting program may help to defuse the most divisive natural resource

and endangered species management issues in Hawaii and help to generate greater public support for endangered species recovery efforts.

D. Approach

1. Develop a contract for 1 Biologist, 2 Botanists, and 4 technicians to conduct intensive surveys and monitoring of game mammals and endangered species in the project area and purchase necessary equipment and supplies to support the study.
2. Capture and monitor the movements of a total of 20 wild sheep, goats and pigs to establish the area of affect of game mammals produced on or using the Puuanahulu and Puu Waawaa Game Management Areas (GMAs).
3. Document the impacts of game mammals on listed plant and animal species - deploy 8 remote cameras at water units, game trails, feeding areas; construct 10 exclosures totaling 2 acres and establish paired control plots to document feeding damage.
4. Document existing conditions of rare and endangered plants and animals throughout the 108,000-acre project area by conducting rare plant searches over to identify and survey endangered plants and conducting VCP counts in forested sections of the project area to identify and survey endangered bird species. Establish baseline conditions of listed species as needed to meet the information requirements to process both the State and Federal HCP and Incidental Take permits.
5. Develop management and restoration actions to mitigate impacts on listed species in project area that include both long term habitat protection and short term species restoration activities.
6. Draft an HCP for consideration and processing by affected landowners and agencies.

E. Location: Puuanahulu Game Management Area (63,000 acres), Puu Waawaa Ranch State Lease Area (21,000 acres), Puu Waawaa Unencumbered State Lands Open to Hunting (20,000 acres), Puu Waawaa Forest Bird Sanctuary (3,800 acres) and adjacent public and private lands (20,000 acres) on Big Island of Hawaii. (See attached map).

F. Estimated Costs: (See Attached Budget Breakdown)

Federal Share:	\$648,866
State Share:	\$216,289
Total Cost:	\$865,155

G. Cooperators

U.S. Army Pohakuloa Training Area, U.S. Fish and Wildlife Service, U.S Forest Service, Hawaii Hunters Advisory Council, Ka Ahahui O Puu Waawaa (Community Group), Stanford University, The Nature Conservancy. Two private landowners will be informed of project and process and its potential benefits and provided an opportunity to participate as cooperators in the planning process or as potential subpermittees, according to their desires and needs.



"Fred & Diane
Holschuh"

<triplef@interpac.net>

To: "Harry Yada" <HARRY_M_YADA@EXEC.STATE.HI.US>

CC:

Subject: Fw: My Father and PWW

01/22/02 06:10 PM

Dear Harry:

My elderly father is ill this week, making plans for the week tentative, and because of the confusion at the Nov. meeting with my motion being too long for a decision at the end of the meeting, I have decided to share my thoughts prior to Friday's meeting. I am going to share these ideas with DOFAW and Harry as well.

Some housekeeping:

--throughout the submittal, the Wildlife Conservation Association of Hawaii is abbreviated as WCA. I believe they use in documents, WCAOH.

-- The last line of page 8 has a typo: it should be "fire" not fine fuels...

-- In the Grazing section on Page 8, the last sentence speaks to the hardship on the PWW Cattle Company should they not be the chosen rancher. In previous submittals, a minimum of two years was mentioned for removal of their cattle. I would prefer to mention this in this section.

-- The DOFAW management team (which as you recall was praised by Mike Buck and Jon Giffin for offering to take the lead at PWW) is in operation and has been doing good work beginning the process towards completion of a management plan. I believe they should be recognized by name in the recommendation section of the submittal.

-- Rec. #4 gives a deadline of August 2002 for a PWW management plan to the Board. Elsewhere in the submittal, this PMP is mentioned as being the guiding document for 10 years. I am concerned that:

1. if the PWW Ahupua'a Advisory Council is seated by May and they are to advise the department, there will be only two months prior to submission of the PMP.
2. The time frame after the seating of the Ahupua'a Advisory Council (AAC) before the plan is submitted should be changed to six months for a preliminary report.

--Rec. #5: My feeling about this is the membership should be probably 11 members to allow the various stakeholders to be represented. I would like to have the Big Island Board member (even if I'm not on the Board) be an ex-officio member of the AAC and I would like the Big Island

The recommendations are primarily based on the positions of both DOFAW and State Parks and their respective perspectives are detailed in the submittal. I want to ask Mike Buck and Dan Quinn to elaborate on their respective positions on the submittal.



"Fred & Diane
Holschuh"

<triplef@interpac.net>

01/22/2002 01:12 PM

To: "Gil Coloma-Agaran" <Gil_S_Agaran@exec.state.hi.us>

cc:

Subject: My Father and PWW

Dear

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submitted should be changed to six months for a preliminary report.

--Rec. #5: My feeling about this is the membership should be probably 11 members to allow the various stakeholders to be represented. I would like to have the Big Island Board member (even if I'm not on the Board) be an ex-officio member of the AAC and I would like the Big Island Board member to have input along with DOFAW leadership (state and Big Isle) and state parks leadership (state and Big Isle) into the names submitted to the Chairman for this AAC.

With all these thoughts in mind, I plan to make the following motion on the submittal:

1. to accept Rec. 1,2,3, and 6
2. Amend Rec. 4 to state that: DOFAW and state parks will prepare and submit a preliminary PuuWaawaa Management Plan (pmp) to the Board within six months of the seating of the Ahupua'a Advisory Council, for their consideration and approval. (The second sentence in Rec. 4 will stand as is).
3. Rec. #5: amend as follows -- first paragraph, second sentence of Rec. 5 "Department" should be "Departments" (as both DOFAW and state parks are involved).

Rec. #5 -- C shall be changed to: The Ahupua'a Advisory Council shall advise the DOFAW management team to assist in preparation of the pmp.

Rec. #5 -- C shall be renumbered as 5-D.

Respectfully submitted,

Fred C. Holschuh, M.D.

HAWAII HUNTING ADVISORY COUNCIL

c/o P.O. Box 113 Capt. Cook, HI 96704

Gilbert Coloma-Agaran, Chairman, and other Members, BLNR
DLNR
1151 Punchbowl St.
Honolulu, HI 96813

Testimony Regarding Board Submittal on Pu'u Wa'awa'a and Pu'uanahulu Lands for Jan. 25th, 2002 BLNR meeting. (item D-18)

Dear Chairman Agaran and Board Members:

We wish to strongly point out in regard to the above Submittal that its No. 3 recommendation is for the Board to "approve in principle the natural resource management guidelines and priorities recommended within this board submittal.....". This is because of the following:

On page 9 under "Game Management" the so-called "Game Management Guidelines (Exhibit B) are by no means official and in fact are contentious here on the Big Island, where the DOFAW staff was allowed little input on this and it is largely the push of Mr. Giffin, the DOFAW Manager, here. The HHAC has previously raised strong objection to the attempted premature labeling of numerous lands without adequate study, using these "Guidelines". We do not wish to see them given sanction by acceptance as part of a Board submittal as if they are official DOFAW policy agreed to and supported by Big Island DOFAW staff in general. They are not.

Secondly, in this same section, it is wholly inappropriate that these "Guidelines" should be given further sanction by stating there that "The majority of the subject lands at Puwaawaa (sic) will be for *Mixed Game and Other Uses,....*", one of the "Guidelines" categories. We note pointedly that these words in the submittal are emphasized as shown. This category is only a euphemism for the quietest form of gradual eradication, seeking to use the public to achieve it, while negating the very important public hunting area that Pu'u Wa'awa'a has come to be. Mr. Giffin has previously used this designation for this area on maps, which we have strongly objected to in his presence.

Most importantly, such a label would presuppose what the management of Pu'u Wa'awa'a should be before the reports of the Advisory Council created by this Submittal, and the Committee of DOFAW staff currently officially studying the needs and management issues at Pu'u Wa'awa'a, ever even reach the Board for consideration.

Thus, we respectfully request the so-called "Game Management Guidelines" (Appendix B) receive no recognition from the Board and further that any pre-designation of the management method or realm for Pu'u Wa'awa'a, or any area of this Submittal, be stricken from it prior to any approval.

FAX TRANSMITTAL

of pages 1

To	Gilbert Coloma-Agaran	From	Linda Pratt
Dept./Agency	DLNR	Phone #	985-6072
Fax #	587-0390	Fax #	967-7153

NBN 7540-01-317-72NN

5089-101

GENERAL SERVICES ADMIN

BENJAMIN J. CAYETANO
GOVERNOR

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
 1151 PUNCHBOWL STREET, ROOM 224
 HONOLULU, HAWAII 96813
 NATURAL AREA RESERVES SYSTEM COMMISSION

January 23, 2002

Mr. Gilbert Coloma-Agaran
 Chairman, Board of Land and Natural Resources
 1151 Punchbowl Street
 Honolulu, Hawaii 96813

Dear Mr. Coloma-Agaran,

The purpose of this letter is to express interest on the part of the Natural Area Reserves System (NARS) Commission in the disposition of lands at Pu'uwa'awa'a. As you know from past participation on the Commission, the subject of the conservation and natural values of the area has been repeatedly discussed in NARS Commission meetings over the last decade. Various sections of Pu'uwa'awa'a have been considered for nomination as potential Natural Area Reserves over the last thirty years. In the recent package of nominations sent to both your predecessors as Director of the Department, Pu'uwa'awa'a was recognized as a high priority for protection, but the Commission was unable to determine appropriate boundaries for any proposed Natural Area Reserve. A Pu'uwa'awa'a Natural Area Reserve of 3,000 acres was formally proposed to the BLNR in 1985, but was not adopted by the Board.

There is still keen interest on the part of the Commission and other conservation entities in the establishment of protected natural areas at Pu'uwa'awa'a. The Pu'uwa'awa'a Wildlife Sanctuary, remnant dry forests, endangered plant concentrations, and sections of the Pu'u itself are examples of areas that deserve immediate protection.

Members of the Commission would be very pleased to offer their expertise and advice to assist in the development of a long-term management plan, in the event of a transfer of management of Pu'uwa'awa'a to the Division of Forestry and Wildlife. I look forward to future protection of the important natural values of Pu'uwa'awa'a for all the people of Hawai'i.

Sincerely,

Linda W. Pratt, Chairperson
 Natural Area Reserves System Commission

cc: Ms. Betsy Harrison Gagné, Executive Secretary, NARS Commission

Board member to have input along with DOFAW leadership (state and Big Isle) and state parks leadership (state and Big Isle) into the names submitted to the Chairman for this AAC.

With all these thoughts in mind, I plan to make the following motion on the submittal:

1. to accept Rec. 1,2,3, and 6
2. Amend Rec. 4 to state that: DOFAW and state parks will prepare and submit a preliminary PuuWaawaa Management Plan (PMP) to the Board within six months of the seating of the Ahupua'a Advisory Council, for their consideration and approval. (The second sentence in Rec. 4 will stand as is).
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Rec. #5 -- C shall be renumbered as 5-D.

Respectfully submitted,

Fred C. Holschuh, M.D.

EXHIBIT "B"

Pu'u wa'awa'a Advisory Council Meeting
Minutes
September 27, 2006

**Pu'u Wa'awa'a Advisory Council Meeting
Minutes**

September 27, 2006

4:30-6:30 pm

PWW Lake House

Attendance:

Advisory Council Members: Alan Nakagawa, Carolyn Stewart, Ku'ulei Keakealani, Susan Cordell, Frank Sayre, [Absent: Jon Giffin, Robby Hind, Mark McGuffie, Bob Okawa, Mike Tomich, Clayton Tremaine, Corky Bryan, Mark Thorne, Kepā Maly].

DLNR Personnel: Roger Imoto, Michael Constantinides, Lisa Hadway, Mike Donoho.

Public Attendees: David Tarnas, Jerry King.

1) Pule Wehe

- Council Member Ku'ulei Keakealani provided the opening pule for the meeting

2) Introductions:

- Council members, DLNR staff, and other attendees introduced themselves.

3) Discussion:

1. PROPOSED FOREST RESERVE DESIGNATION

This special meeting was called primarily to gain Advisory Council input on the proposed Forest Service designation for receipt of lands set aside from Land Division.

Roger explained that the set aside was originally designated as a "multi-use resource, cultural, recreational, and game management area," with the anticipation of a set of rules to support such a designation. Land Division has moved forward with the set-aside although enforceable rules had not been developed. Therefore, the existing designation that aligns best with the concept for Pu'u Wa'awa'a as outlined in the Management Plan is as a Forest Reserve. The activities that are ongoing at Pu'u Wa'awa'a should remain the same under this designation.

Michael Constantinides added that the multi-use concept was assigned when the plan was to lease Pu'u Wa'awa'a to a non-profit organization, and when the State retained the lands instead, the proposed designation remained in limbo, without the needed rules.

Carolyn asked about cattle grazing activities. Roger replied that rights-of-entry can be made as long as the grazing is not strictly for commercial purposes, but under the auspices of fuels reduction or alien species control, and as a mid-term rather than long-term means of such reduction and control. Michael C. continued that the Board did approve such an arrangement with Palani Ranch regarding the newly added lands to the Honua'ula Forest Reserve on the south side of Hualalai.

Carolyn also asked about the ability to enter into agreements with a non-profit to do such activities as the education center concept. Michael C. said that this would be easier than a cattle grazing agreement. As long as the activity is consistent with the intent of the Forest Reserve status.

Roger stated that a change that took place with the Forest Reserve provisions is the ability to retain funds that are generated within Forest Reserves.

Ku'ulei commented that this designation seems like it will help to achieve the Management Plan objectives.

Michael C. said that there were other designations considered, such as Natural Area Reserve and Game Management Area, but neither of these headings would allow for implementation of the wide array of objectives in the Plan. Violations under multi-use would be undefined except for the conservation-zoned lands. Another change in the FR provisions was a framework for penalties for rules violations.

Carolyn asked if this designation would exclude the private in-holdings. Roger confirmed that they would be excluded.

Alan asked about the designation for Pu'u Anahulu. Roger replied that the set-aside from Land Division to DOFAW for Pu'u Anahulu as a GMA has already been completed. Alan also asked about the boundary with Pu'u Wa'awa'a, as he understood there were Anahulu lands on the Kona side of the 1859 lava flow. This was confirmed by Roger, and Lisa added that a metes and bounds survey had just been completed. Alan then asked about Pu'u Wa'awa'a and its Cooperative Game Management Area status and the rules in place for hunting. Roger answered that the CGMA is an overlay to the FR designation. Carolyn added that the Kohala Forest Reserve has hunting areas as well.

Susan asked Mike D. if there were any glaring conflicts with a Forest Reserve designation and the Management Plan objectives. Mike said that he didn't see any obvious conflicts.

Carolyn asked about camping, which is a permitted use in the FR rules in designated areas. Carolyn further asked about special events for the party house, such as weddings. Lisa pointed out that weddings are specifically mentioned as permissible under 13-104-21.

David asked about commercial activities, such as those stipulated in the education center RFP for the makai lands at Kiholo – would such activities be allowed in the mauka lands under Forest Reserve? Roger replied that this would be something that would have to go before the Board. Lisa stated that Forest Reserves feature Na Ala Hele trails that are used under permit by commercial enterprises, and Roger added that commercial possibilities go beyond just trails in Forest Reserves. Lisa also said that the Keanakolu cabins are rented for a fee in a Forest Reserve, and those monies generated are retained in Forest Reserve funds.

David asked if facilities or land would be available for lease to another entity. Michael C. replied that buildings can be leased on a long term basis but lands cannot, and therefore would be on a right-of-entry situation. Roger added that the building lease would be an auction process, and must be related to the vision of the Management Plan. David asked specifically about arrangements for a non-profit to make improvements on a structure which would still be owned by the State. Michael C. answered that it would be made clear in any agreement that improvements stay with the structure upon termination of said agreement.

Michael C. said that lands are put into and taken out of Forest Reserve all the time, and if there is some unforeseen problems with such a designation for Pu'u Wa'awa'a, it need not be permanent.

Susan asked if there would be more money for Pu'u Wa'awa'a if it is included in the Forest Reserve system, and Michael C. replied that it would not in the short term. Roger went on to say that this would be a continuation of current activities, and that staff would not be impacted by this set-aside.

David asked about alcohol use. It is permissible under a special use permit provision.

Jerry King commented that it seems like anything is possible under this designation. Roger replied that there is more certainty under FR because DOFAW has worked with this a lot. Now we have another layer of bureaucracy having to go through Land Division. He also asked if this would work with the Experimental Forest designation, to which Susan replied that it would be better. He then asked if the conservation lands would remain the same, to which the answer was yes.

Mike D. asked if the long-term intention was to develop rules and go toward a multi-use designation once rules are developed. Michael C. replied that it would be better to stay with FR and refine the rules if necessary.

Jerry asked if the FR would be better or worse for fire control. Roger replied that DOFAW would be primary, and that overall this would be a better arrangement for fire management.

Susan asked about the timeframe for this designation happening. Michael C. said soon, like in 1-2 months. He is seeking a motion to approve this action, to propose a name for the Forest Reserve, which usually follows the ahupua'a name or region if appropriate; and that the Management Plan is reinforced as the guiding document for management of the lands.

Roger also stated that the encroachments on the private in-holdings should be addressed prior to the set-aside being executed, as there is no tolerance for encroachments in a FR. Therefore, an easement needs to be established under Land Division that will be honored through the set-aside.

Alan questioned if there was to be any public hearings as part of this process, and Michael C. said that there would be to receive comment and suggestions on how to move forward. Lisa said that the NARS rules changes has taken over a year and that another six months is needed before getting to completion.

Alan asked if there were any game management plans in any areas. Roger said that there is one for Pu'u Anahulu. He continued that if there is no plan, then hunting is not attributed any recreational value, and therefore is easier to remove for hunting, such as at PTA. Roger said that a game management person is being hired now, to produce GM Plans. Alan mentioned that there was no hunting season mauka this year due to low numbers. There is no game management here, such as habitat improvement. The trend is to close hunting areas, and this will continue without a plan. Lisa responded that hunting has its own section in the Management Plan, and there is a conflict with endangered species. There will be hunting in specified areas and other will be exclusively for conservation purposes. Susan stated that hunting has specific objectives, and Mike D. added that there are more hunting

objectives that any other category in the Plan. Alan continued by saying that there will be more interest in hunting in Pu'u Wa'awa'a when PTA is not longer a destination for hunting. Bird hunting will continue, but the quality of hunting will decline as mammals that would otherwise graze vegetation would be removed. Roger added that this will also increase the fire hazard in those areas.

Jerry asked if any further discussions on adding Pu'u Anahulu to the Management Plan area had taken place recently. Mike D. said that there had not, and that the lands of Pu'u Anahulu have been already set-aside to DOFAW for game management. Issues that overlap will be addressed but not formally in this version of the Plan.

MOTION: Carolyn moved to adopt the concept of designating Pu'u Wa'awa'a as a Forest Reserve, under the name "Pu'u Wa'awa'a Forest Reserve," that the Management Plan for the ahupua'a of Pu'u Wa'awa'a and the Makai Lands of Pu'u Anahulu, approved July 15, 2003, be the guide to management of the lands; and that the encroachments are addressed prior to final execution of the set-aside. Susan seconded the motion, there was no further discussion, and the motion passed unanimously.

2. EDUCATION CENTER – KĪHOLO

David distributed a letter he drafted on behalf of the Advisory Council to Chairman Peter Young regarding placing a high priority for funding at Kīholo. The Council reviewed and approved sending the letter to the Chairman. Copies of the signed letter would also be sent to State Parks Administrator Dan Quinn and Hawaii Island Superintendent Glenn Taguchi. Glenn would track the progress of the funding requests and alert the Kīholo Task Force regarding timeliness for support actions. Mike D. will send out the signed letter.

The RFP for an Education Center at Kīholo was discussed. Carolyn stated that she was glad to see Council input incorporated into this draft. She also commented that the qualifications for the potential operator are somewhat limiting. She said that her Malama Kai Foundation would not qualify to submit a proposal. Alan said that the DOE would also not qualify, but NOAA might. Alan also stated that the infrastructure is the big hurdle to getting an interested party involved. Lisa replied that if the RFP process fails to attract any responses, then a partnership can be entered into with the University.

Mike D. asked for review and comment on the draft RFP by October 9th, with a reminder to be sent out on the 5th. David asked that the Kīholo Task Force be sent the RFP as well for their comment.

4) Old Business/New Business

Status of the Experimental Forest: Roger stated that the re-draft of the Cooperative Agreement is under review by DOFAW staff.

Run for the Dry Forest: Lisa distributed application forms for the October 28 event.

5) Public Testimony - none

6) Next meeting: Sunday December 10, 2006, 1:00 p.m. – 4:00 p.m.